

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

BKY No. 09-50779

Dennis E. Hecker,

Debtor.

Randall L. Seaver, Trustee

ADV No. 10-5032

Plaintiff,

vs.

Dennis E. Hecker and
Christi M. Rowan,

Defendants.

**CHRISTI ROWAN'S OBJECTION TO THE TRUSTEE'S MOTION FOR CONTEMPT
OF COURT**

I. Introduction

Randall Seaver, the trustee for Dennis Hecker's bankruptcy estate, moved the Court for an order finding Ms Rowan in contempt of court for allegedly violating an October 6, 2010 Order. The alleged basis for a finding of contempt is the handling by Ms Rowan of certain checks and checking accounts. Presently, Ms Rowan is incarcerated in the Sherburne County Jail by the federal authorities for allegedly violating a plea agreement because of the same and similar allegations to those asserted in Mr. Seaver's motion for contempt of court. As a result of her incarceration, Ms Rowan is unable to provide a detailed response to Mr. Seaver's motion or

to attend the scheduled hearing. In addition, because of the similarity of the allegations, Ms Rowan intends to assert her Fifth Amendment right against self incrimination to any specific claims by Mr. Seaver in this motion.

2. Argument

Ms Rowan has a right to be present at a hearing for contempt which may result in her incarceration. Ms Rowan is also presently denied access to documents and to effective legal civil counsel and as such she is unable to prepare and participate in preparing a response to the present motion.

Last, Ms Rowan has a Fifth Amendment privilege against self incrimination. The Fifth Amendment privilege is available to a witness, including a party, at any stage in a civil proceeding (and not just to a defendant in a criminal proceeding). Kastigar v. United States, 406 U.S. 441, 92 S.Ct. 1653, 32 L.Ed.2d 212 (1972). The scheduled hearing may not proceed if she is not given the opportunity to prepare for it and to be present to assert her rights. Therefore, the hearing to consider whether Ms Rowan is in contempt of court should be continued until a time she may prepare a response and attend.

MORRIS LAW GROUP, P.A.

Dated: March 9, 2011

/e/ Richard M. Carlson

Richard M. Carlson, Atty. ID #187148

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Attorney for Defendant Christi M. Rowan

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UNSWORN CERTIFICATE OF SERVICE

I hereby certify that on March 9, 2011, I caused the following documents:

Christi Rowan's Objection to the Trustee's Motion for Contempt of Court

To be filed electronically with the Clerk of Court through ECF, and that the above documents will be delivered by automatic e-mail notification pursuant to ECF and this constitutes service or notice pursuant to Local Rule 9006-1(a).

Dated: March 9, 2011

/e/ Richard M. Carlson

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